

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Fano et al.	)	
	)	
Serial No. 10/663,592	)	<b>37 CFR 1.8(b) AND</b>
	)	<b>MPEP §512 (IV)</b>
Filing Date: September 15, 2003	)	<b>NOTIFICATION</b>
	)	
For: Remote Media Call Center	)	

**37 CFR 1.8(B) AND MPEP §512 (IV) NOTIFICATION  
INCLUDING DUPLICATE COPY OF  
RESCISSION OF PREVIOUS NON-PUBLICATION REQUEST AND  
NOTICE OF FOREIGN FILING**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Under 37 CFR 1.8(b) and MPEP §512 (IV), Assignee provides this notification to the U.S. Patent and Trademark Office ("USPTO") of a previous mailing of a Rescission of Previous Non-Publication Request with Notice of Foreign Filing ("Rescission") that the USPTO does not appear to have received. In connection with this notification, the Assignee hereby requests confirmation from the USPTO that the Rescission is considered timely filed under 35 U.S.C. §122(b)(2)(B)(iii) and requests publication of the application under 35 U.S.C. §122(b)(2)(B)(iv).

In support of this notification, the Assignee supplies an additional copy of the Rescission as Exhibit B. In further support of this notification, the undersigned provides a statement, as follows:

**Statement**

1. The undersigned signed a certificate of mailing complying with 37 CFR 1.8(a) on a transmittal letter ("Transmittal") for the Rescission on August 24, 2004. The Transmittal is attached as Exhibit A.

2. The undersigned signed a certificate of mailing complying with 37 CFR 1.8(a) on the Rescission itself on August 24, 2004. The Rescission is attached as Exhibit B. The Rescission is a USPTO PTO/SB/36 form providing for both rescission of a prior non-publication request, and notice of foreign filing.

3. Our internal record ("Record Card") for this application shows that the Transmittal, Rescission, and a Return Receipt Post Card ("Documents") were delivered to our docketing department as usual for mailing to the USPTO. A copy of the Record Card is attached as Exhibit C.

4. The Record Card is initialed by docketing personnel in the upper right hand corner. The initials indicate that docketing personnel confirmed that the Documents listed on the Record Card were present and included in an envelope mailed to the USPTO on August 24, 2004, consistent with the certificate of mailing on the Transmittal and on the Rescission.

5. The facts noted above evidence prior timely mailing of the Documents to the USPTO.

6. The undersigned has submitted this Statement promptly after becoming aware, as a result of reviewing the file in light of now active prosecution, that the USPTO did not publish this application, and after verifying that there is no record of having received from the USPTO a stamped Return Receipt Post Card and verifying that Private PAIR shows no receipt of the Rescission.

7. The earliest filing date of an international application based on this application, for an invention disclosed in this application, is September 15, 2004.

8. The facts noted above in paragraphs 1-4 establish mailing of the Rescission on August 24, 2004, prior to the earliest international filing noted above in paragraph 7. The Rescission was therefore timely filed in compliance with 35 U.S.C. §122(b)(2)(B)(iii), which requires notification to

the USPTO of international filings less than 45 days after the date of international filing.

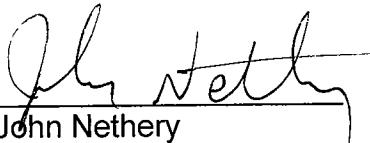
### **Actions Requested**

1. Assignee hereby requests confirmation from the USPTO that the Rescission is considered timely filed under 35 U.S.C. §122(b)(2)(B)(iii).
2. Assignee hereby requests acceptance and entry into the record of the duplicate copy of the Rescission.
3. Assignee hereby requests publication of the application in accordance with 35 U.S.C. §122(b)(2)(B)(iv).

### **Closing Remarks**

The Commissioner is invited to contact the undersigned attorney for the Assignee via telephone if the Commissioner has any questions, comments, or concerns, or if a telephone conference would otherwise expedite the review of this notification.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Nethery", written over a horizontal line.

John Nethery  
Registration No. 42,928  
Attorney for Assignee

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

## EXHIBIT A

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

Date of deposit with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on: August 24, 2004 Name: John F. Nethery Signature: [Signature]

**BRINKS  
HOFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: **ANDREW E. FANO ET AL.**

Appln. No.: **10/663,592**

Filed: **September 15, 2003**

For: **REMOTE MEDIA CALL CENTER**

Attorney Docket No: **10022/397**

Examiner: Not Assigned

Art Unit: 3622

Mail Stop PGPUB  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

- ☒ Rescission of Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing 35 U.S.C. 122(b)(2)(B)(iii).
- ☒ Return Receipt Postcard

**Fee calculation:**

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

**Fee payment:**

- ☒ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

24-AUG-2004

Date

[Signature]  
John F. Nethery (Reg. No. 42,928)

## **EXHIBIT B**

**RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)  
AND, IF APPLICABLE,  
NOTICE OF FOREIGN FILING  
(35 U.S.C. 122(b)(2)(B)(iii))**

Send completed form to:

**Mail Stop PG Pub**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 305-8568

Application Number	10/663,592
Filing Date	September 15, 2003
First Named Inventor	ANDREW E. FANO ET AL.
Title	REMOTE MEDIA CALL CENTER
Atty Docket Number	10022/397
Group Art Unit	3622
Examiner	Not Assigned

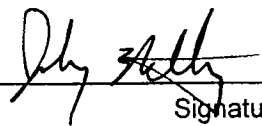
A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

24 - AUG - 2004

Date



Signature

John F. Nethery, Reg. No. 42,928

Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

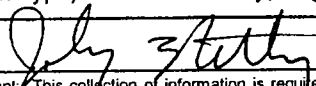
If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop PG Pub, Alexandria, VA 22313, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type) John F. Nethery, Reg. No. 48,928

Signature



Date

24 - AUG - 2004

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously fled request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## EXHIBIT C



TO DOCKET CLERK:

CHECKED:

PTO ENVELOPE

DIARY/COMPUTER

WORKING CARD

NOTICE OF MAILING TO PATENT OFFICE

Applicant: ANDREW E. FANO ET AL.

Serial No.: 10-663,592

Client/Matter: 10022/397

Items Mailed: Transmittal, Rescission of Previous Nonpublication  
Request 35 U.S.C. 122(b)(2)(B)(ii), and, if applicable, Notice of Foreign  
Filing 35 U.S.C. 122(b)(2)(B)(iii), and return post card.

Date of Mailing: August 24, 2004

APPLICANT:

CLIENT/MATTER NO:

ITEM(S) MAILED:

DATE DUE:

DATE OF MAILING:

CHECK IF EXPRESS MAIL ☐ Express Mail Label Number

MEMO TO  
SECY  
INTL

JFW/OM  
ATTORNEY/SECRETARY